IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7233 OF 2006

M/s.Kanti Cosmetics and Food Products Pvt.Ltd. and Ors. ..Petitioner

Vs.

Abhyudaya Cooperative Bank Ltd.,Parel, Mumbai ..Respondents

Mr.C.P.Deogirikar for the petitioner

Mr.M.H.Rawal for the respondents

CORAM : A.P.DESHPANDE, J

DATED : 7TH NOVEMBER, 2006

P.C.:

1. An order passed by the Co-operative Appellate Court rejecting the application moved by the present petitioner no.3 to transpose him as an applicant in the review application, is challenged by filing this writ petition.

2. The respondent bank filed a dispute against the original borrower so also the guarantors for recovery of a given sum of amount in the

Co-operative Court. None of the petitioners filed written statement and / or opposed the claim in any manner, despite having put in appearance. The original borrower admitted the claim and as such an ex-parte award came to be passed in favour of the bank. Aggrieved by the award passed by the Co-operate Court, the present petitioner no.1 which is a private limited Company preferred an appeal before the Co-operative Appellate Court. In the appeal, the petitioner no.1 did not implead petitioner no.3 as party respondent. The appeal came to be dismissed. Thereafter, the review application came to be filed and in the said review application, the petitioner no.3 came to be impleaded as a non-applicant. The petitioner no.3 who were impleaded as a non-applicant in the review application filed an application for his transposition as a applicant and the said prayer has been rejected. It is to be noted that in the first place, none of the petitioners filed their written statement and only petitioner no.1 filed an appeal. Petitioner no.3 is seeking to call in question legality of the award by praying for transposition in the review application and

thereafter proposes to dispute the correctness of the award.

3. I have perused the order passed by the Co-operative appellate court. It does not suffer from any patent illegality. Hence, no interference in exercise of Jurisdiction under Article 227 of the Constitution of India is called for. Writ Petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)